

The seal of the United States Department of State is located in the top right corner of the document. It features an eagle with a shield on its chest, holding an olive branch and arrows, with a constellation of stars above its head. The words "DEPARTMENT OF STATE" are arched over the eagle, and "UNITED STATES OF AMERICA" is arched below it.

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TELEGRAM

SECRET 159

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ACTION SS-45

INFO: OCT-01 1246 W

R 240845Z JUL 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 7756
INFO AMEMBASSY KATHMANDU

S E C R E T SAIGON 11720

EXDIS:

SUBJ: KY REPRESENTATIONS ON ELECTIONS

REF: SAIGON 11670

1. FOLLOWING IS TEXT OF LETTER KY HAD PROMISED ME AS REPORTED REFTEL.

2. QTE A GREAT DEAL OF PRESSURE HAS BEEN APPLIED ON THE MEMBERS OF THE PROVINCIAL AND MUNICIPAL COUNCILS TO DETER THEM FROM SPONSORING OPPOSITION CANDIDATES TO THE PRESIDENTIAL ELECTIONS.

1.-DEGREE 061/SL/NV ISSUED ON JUNE 22, 1971 (ONE DAY BEFORE THE PROMULGATION OF THE ELECTION LAW FOR THE PRESIDENTIAL ELECTIONS), GIVES THE PRIME MINISTER, WHO IS AN APPOINTED CIVIL SERVANT, THE RIGHT TO REVOKE THE MANDATE OF ANY PROVINCIAL AND MUNICIPAL COUNCIL MEMBER FOR ALMOST ANY REASON THE ADMINISTRATION MAY DEEM FIT.

2--COUNCIL MEMBERS HAVE NO PARLIAMENTARY IMMUNITY AND HAVE BEEN SUBJECTED TO COERCION AND TO THREATS CONCERNING THEIR SAFETY AND THEIR SECURITY.

3 - - THE ADMINISTRATION HAS USED IN THE MOST BLATANT MANNER:

- PATRONAGE (DISTRIBUTION OF COMMERCIAL LICENSES)

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-MONEY (ONE COUNCIL MEMBER IN PHAN RANG WAS OFFERED 2 MILLION PIASTERS TO ABSTAIN FROM SIGNING FOR AN OPPOSITION CANDIDATE IN FRONT OF WITNESSES; ANOTHER IN NHA TRANG, MR. NHAC WHO IS PRESIDENT OF THE KHANH HOA PROVINCIAL COUNCIL WAS TOLD IN FRONT OF WITNESSES BY THE CHIEF OF PROVINCE, COL. LY BA PHAM, AS HE CAME TO THE COLONEL'S OFFICE FOR CERTIFICATION OF HIS SIGNATURE;

3. QTE AS A RESULT, A GREAT MAJORITY OF COUNCIL MEMBERS HAVE BEEN FORCED TO:

-SPONSOR PRESIDENT THIEU'S CANDIDACY.

-OR AT LEAST PROMISE NOT TO SPONSOR ANYBODY ELSE.

-OR SIGN A SPONSORING LETTER IN BLANK.

4. QTE: THE ADMINISTRATION HAS ALSO PLACED THE MOST ABSURD OBSTACLES AGAINST OPPOSITION CANDIDATES THROUGH THE CERTIFICATION PROCESS.

1. - CERTIFICATION OF THE SIGNATURES: SPONSORING CANDIDATES MUST BE DONE BY THE PROVINCE CHIEF OR THE MAYOR OF THE MUNICIPALITY. THIS IS A GROSS ABNORMALITY IN VIETNAMESE ADMINISTRATIVE PROCEDURE, SINCE CERTIFICATION IS USUALLY ENTRUSTED WITH A JUNIOR CLERK.

2.- IN THE SAME TIME, THE PROVINCE CHIEF OR THE MAYOR RESERVES THE RIGHT TO BE ABSENT FROM HIS OFFICE AS LONG AS HE WANTS. AN ELEMENTARY ADMINISTRATIVE PRINCIPLE WOULD REQUIRE THAT, IN ORDER TO CARRY OUT HIS CECLIFICATION DUTY, THE PROVINCE CHIEF OR THE MAYOR SHOULD BE PERMANENTLY ACCESSIBLE AND AVAILABLE DURING THE PERIOD SIGNATURES HAVE

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3.-THE PRESIDENT HAS CALLED A MEETING OF ALL PROVINCE CHIEFS AND MAYORS IN SAIGON SINCE THE 22ND OF JULY, APPARENTLY THIS MEETING WILL LAST UNTIL THE 24TH AND THE PROVINCE CHIEFS AND MAYORS WILL NOT BE BACK IN THEIR OFFICES UNTIL THE 26TH. THIS LEAVES PRACTICALLY NO TIME FOR THE CERTIFICATION OF SIGNATURES BEFORE THE DEADLINE FOR FILING CANDIDACIES, EVEN IF THOSE GENTLEMEN ARE TO BE DULY PRESENT IN THEIR OFFICES FROM THAT DATE. END QUOTE.

5. COMMENT: IT HAD BEEN MY IMPRESSION THAT KY WAS GOING TO SUPPLY ME WITH NUMEROUS CASES OF HARASSMENT, INTERFERENCE, AND OBSTRUCTION, ESPECIALLY CASES WHERE PROVINCE CHIEFS WERE UNAVAILABLE TO CERTIFY HIS NOMINATION PAPERS. HE MENTIONED SEVERAL OF THE LATTER AND SAID THERE WERE MANY OTHERS. SINCE I ASKED HIM TO LET ME HAVE A DETAILED LIST, AND HE HAS NOT SEEN FIT TO SUPPLY IT, I HAVE DECIDED NOT TO GO BACK TO HIM FOR MORE SPECIFIC DETAIL.

BERGER

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